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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

SMITHKLINE BEECHAM CORPORATION  
d/b/a GLAXOSMITHKLINE,

Plaintiff,

vs.

ABBOTT LABORATORIES,

Defendant.

Case No. C07-5702 (CW)

**STIPULATION AND ~~PROPOSED~~  
ORDER TO TRANSFER PURSUANT TO  
28 U.S.C. § 1631**

1 WHEREAS, on March 10, 2015, Plaintiff GSK filed its Second Amended Complaint in the  
2 above-captioned action (the “Action”);

3 WHEREAS, on March 11, 2015, Defendant Abbott Laboratories filed a motion to dismiss  
4 Plaintiff GSK’s Second Amended Complaint for lack of personal jurisdiction (the “Motion”);

5 WHEREAS, GSK opposes Abbott’s Motion;

6 WHEREAS, Abbott’s Motion was heard by the Court on April 8, 2015;

7 WHEREAS, the parties agree that it is in the interest of justice to transfer this Action to the  
8 United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. § 1631;

9 WHEREAS, the parties agree that this Action could have been brought in the United States  
10 District Court for the Middle District of North Carolina, as GSK believes that jurisdiction and venue  
11 are proper in that Court, and Abbott consents to jurisdiction and venue in that Court;

12 WHEREAS, the parties agree that, if transferred, this Action and all claims in GSK’s Second  
13 Amended Complaint shall be deemed filed and proceed in the United States District Court for the  
14 Middle District of North Carolina.

15 WHEREAS, the parties agree that transfer of the Action to the Middle District of North  
16 Carolina moots any other motions pending before this Court;

17 IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this Action  
18 through their undersigned counsel, as follows:

- 19 1. In the interests of justice, this Action shall be transferred to the United States District  
20 Court for the Middle District of North Carolina, and
  - 21 2. This Action and all claims in GSK’s Second Amended Complaint shall be deemed  
22 filed and proceed in that court.
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**IT IS SO STIPULATED AND AGREED:**

Date: April 14, 2015

/s/ James F. Hurst  
James F. Hurst (*Admitted Pro Hac Vice*)  
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/s/ Brian Hennigan  
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*Attorney for Plaintiff GlaxoSmithKline*

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: 04/14/2015

  
Judge Claudia Wilken  
U.S. District Court